

Talking Point:

• **Ex. 5 - Deliberative Process**

Existing Chemicals:

- Senator Udall (D-NM) played a leading role in the negotiation of the 2016 TSCA reform amendments, and worked closely with the Environmental Defense Fund (EDF) during this effort
- Sen. Udall’s office has not yet issued a statement on the June 22, 2017 release, but has been quoted in the press as suggesting that the rules may be “unlawful” and that “The Trump administration must avoid the temptation to include giveaways that are not authorized.”
- EDF has not yet issued a press release. However, they have been quoted by a number of media outlets expressing specific concerns:
  - Conditions of Use. The Risk Evaluation rule provides EPA with discretion to narrow the uses of a chemical to be considered during assessments, which EDF argues “complicates and undermines” Congress’ intent for evaluations that cover the full range of exposures.
  - Information Gathering. The final prioritization rule dropped the pre-prioritization provisions, which EDF believed were important – they allowed the Agency to conduct upfront data gathering without triggering the start of strict statutory deadlines.
  - Inventory Update Rule. EDF criticized “loopholes” for industry in this rule, arguing that the final rule, for example, didn’t go far enough in assuring transparency of chemical information.

New Chemicals:

On June 22, 2017, Senator Udall published a piece in Bloomberg BNA titled “Practitioner Insights: Prioritizing Health Was Intent of New Chemicals Reforms.” Key messages included:

- The TSCA amendments were written “first and foremost” to ensure protections for public health
- Some in the regulated community are claiming that changes to TSCA section 5 regarding New Chemicals were not intended to be significant or meaningfully impact EPA’s review process.
- The changes were explicitly intended to increase public confidence that EPA would give a “robust and serious review” before new chemicals are allowed to enter the market.
- Concern that EPA should not prioritize “speed of review” over assurances of chemical safety
- 90-days will not always be sufficient to get through the process.
- Essential for EPA to examine “reasonably foreseen” uses during the review, as required under TSCA.

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